

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 10/771,992  
Applicant(s) : Hiroshi SATO  
Filed : February 3, 2004  
Title : POSITION SENSOR

Confirmation : 3572

Art Unit : 2877  
Examiner : Roy M. PUNNOOSE

Docket No. : 1232-5274  
Customer No. : 27123

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement dated June 15, 2006 identifies the following  
patentably distinct of inventions among the pending claims:

<u>Group</u>	<u>Claim(s)</u>	<u>Invention</u>
I	1-16	A position detecting apparatus, allegedly classified in claims 356, subclass 614.
II	17	A device fabricating method, allegedly classified in class 438, subclass 48.

In response to this Restriction Requirement, this paper provisionally elect to  
pursue prosecution of Group I. At least claims 1-16 are believed to be encompassed by that  
election. .

This election is made with traverse. For such a requirement to be proper, "[t]here  
must be a serious burden on the examiner if restriction is not required." M.P.E.P. § 803. IT is

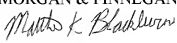
Appl. No. 10/771,992  
Paper dated July 6, 2006  
Reply to Restriction Reqt. dated June 15, 2006

respectfully submitted that (1) all the pending claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, the Restriction Requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

Should the Restriction Requirement be made final, the right is expressly reserved to present any withdrawn claims in divisional application(s). In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5274.

Dated: July 6, 2006

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.  
By:   
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